

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. CR-10-20403

v.

HON. NANCY G. EDMUNDS

D-1 KWAME M. KILPATRICK,

Defendant.

AMENDED PRELIMINARY ORDER OF FORFEITURE

WHEREAS, a Fourth Superseding Indictment was issued on February 15, 2012, which charged Defendant Kwame M. Kilpatrick (“Defendant Kilpatrick”) with numerous violations of law, including, but not limited to, violations of 18 U.S.C. § 1962(d) (RICO conspiracy) and 18 U.S.C. § 1951 (extortion). (*Dkt. # 74*).

WHEREAS, the Fourth Superseding Indictment contained Criminal Forfeiture Allegations providing notice to Defendant Kilpatrick that upon conviction the United States intended to seek, among other things, a forfeiture money judgment, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 1963(a)(1)-(3), and 28 U.S.C. § 2461(c).

WHEREAS on March 11, 2013, after a lengthy trial, Defendant Kilpatrick was found guilty by a jury of numerous violations, including, but not limited to,

Counts One (18 U.S.C. § 1962(d) - RICO conspiracy), Two through Four (18 U.S.C. § 1951 - extortion), and Nine (18 U.S.C. § 1951 - extortion) of the Fourth Superseding Indictment.

WHEREAS, this Court entered a Preliminary Order of Forfeiture on October 10, 2013 (Docket # 483) that ordered Defendant Kilpatrick to pay a money judgment to the United States in an amount to be determined by the Court.

WHEREAS, the government has requested a forfeiture money judgment against Defendant Kilpatrick in the amount of \$4,584,423.00.

WHEREAS, briefs were filed by the Government and the attorney for Defendant Kilpatrick regarding forfeiture and a hearing was held on December 10, 2013. After reviewing the briefs and considering the argument by the Government and the attorney for Defendant Kilpatrick, this Court has determined that the appropriate amount of the money judgment to be imposed against Defendant Kilpatrick is a total of \$4,584,423.00.

NOW, THEREFORE, pursuant to Fed. R. Crim. P. 32.2, based upon the Fourth Superseding Indictment, the finding by the jury that Defendant Kilpatrick is guilty of Counts One (18 U.S.C. § 1962(d) - RICO conspiracy), Two through Four (18 U.S.C. § 1951 - extortion), and Nine (18 U.S.C. § 1951 - extortion) of the Fourth Superseding Indictment, the briefs filed by the parties, the arguments that

were made at the hearing on this matter and at the initial sentencing hearing, and other information in the record:

IT IS HEREBY ORDERED AND ADJUDGED that a money judgment in the total amount of \$4,584,423.00 is granted and entered against Defendant Kilpatrick in favor of the United States of America on Counts One (18 U.S.C. § 1962(d) - RICO conspiracy), Two through Four (18 U.S.C. § 1951 - extortion), and Nine (18 U.S.C. § 1951 - extortion) of the Fourth Superseding Indictment, broken down as follows:

<u>Count</u>	<u>Money Judgment</u>
1	\$4,584,423.00
2 & 3	\$2,082,431.00
4	\$1,349,000.00
9	\$1,152,992.00

The above amounts owed under the money judgments are concurrent to one another such that the total amount to be paid by Defendant Kilpatrick to the United States is \$4,584,423.00.

IT IS FURTHER ORDERED that the money judgment may be satisfied, to whatever extent possible, from any property owned or under the control of Defendant Kilpatrick.

IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 32.2, this Order is now the Final Order of Forfeiture and shall be made part of the sentence

and included in the Judgment, and shall not be the subject of ancillary proceedings given that the forfeiture consists entirely of a money judgment.

IT IS FURTHER ORDERED that this Amended Preliminary Order of Forfeiture replaces and supersedes the Preliminary Order of Forfeiture entered on October 10, 2013 (Docket # 483).

IT IS FURTHER ORDERED that the Court shall retain jurisdiction to enforce this Amended Preliminary Order of Forfeiture and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS SO ORDERED.

Dated: December 12, 2013

s/Nancy G. Edmunds
HONORABLE NANCY G. EDMUNDS
United States District Court Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 12, 2013, by electronic and/or ordinary mail.

S/Johnetta M. Curry-Williams
Case Manager
Acting in the Absence of Carol A. Hemeyer